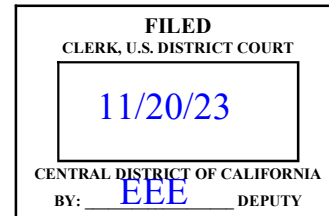


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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA,**
9 **WESTERN DIVISION**

10 TODD R. G. HILL, individually, and as attorney-)
11 in-fact, guardian ad litem to ROES 1-8,)
12 Plaintiff(s),)

13 vs.)

14 THE BOARD OF DIRECTORS, OFFICERS)
15 AND AGENTS AND INDIVIDUALS OF THE)
16 PEOPLES OF THE COLLEGE OF LAW;)

17 Defendant(s).)

Case No.: 2:23-CV-01298-JLS-BFM

**MOTION IN OPPOSITION TO
DEFENDANTS' MOTION UNDER F.R.C.P.
41(B) AND 12(B)(6) TO DISMISS
PLAINTIFF'S SECOND AMENDED
COMPLAINT WITH PREJUDICE;
MEMORANDUM OF POINTS AND
AUTHORITIES; AND MOTION FOR
SANCTIONS**

NO ORAL ARGUMENTS

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor
Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

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23

24 **Summary**

25

26

27

28

This response challenges the motion in opposition and for sanctions filed by Defendant Spiro, asserting the legitimacy and necessity of the Plaintiff's Second Amended Complaint.

1 If the Court does consider this motion as one for Summary Judgement, it should be rejected as
2 Defendants' arguments are insufficient to overcome the merits of Plaintiff's complaints.

3
4 The structure and content of the Second Amended Complaint contravenes Defendant's arguments
5 and underscores the commitment to justice and adherence to legal standards demonstrated by the
6 Plaintiff throughout this case.

7 Plaintiff presents evidence of Defendant Spiro's attempts to misrepresent and omit material facts to
8 mislead the Court.

9
10 Plaintiff argues that Defendant Spiro's conduct in this context is worthy of the Court's disciplinary
11 action under Local Rule 83-3.1.

12
13 **Procedural Background**

14 **Abbreviated Chronology of the Case and Plaintiff's Efforts for Redress**

15 The Court dismissed the Plaintiff's First Amended Complaint on June 7, 2023, granting 21 days to
16 file a Second Amended Complaint ("SAC"). The Plaintiff failed to comply within this timeframe,
17 but provided specific reasons for the delay in filing, including unexpected delays in gathering
18 necessary evidence, incomplete or non-timely responses to public records requests, and unfulfilled
19 promises by the educational institution to provide transcripts and refunds as recently as August
20 2023.

21
22 On September 19, 2023, the Honorable Josephine L. Staton, United States District Judge of the
23 United States District Court for the Central District of California, Western Division, granted the
24 Plaintiff's motion to set aside the judgment of dismissal and allowed the filing of a Second
25 Amended Complaint.
26
27
28

1 On September 20, 2023, Plaintiff filed a Second Amended Complaint (“SAC”) at Docket No. 55
2 (<https://ecf.cacd.uscourts.gov/doc1/031140872478>).

3
4 On September 28, 2023, Defendant Robert Ira Spiro filed a 30 page Motion to Dismiss at Docket
5 No. 58 (<https://ecf.cacd.uscourts.gov/doc1/031040923809>), including 223 pages of exhibits not
6 related to the current SAC.

7
8 **The Plaintiff’s Position in Context**

9
10 **I. No meet and confer held prior to the filing of the motion.**

11 Defendant Spiro erroneously claims that a “Meet and Confer” in accordance with Local Rule 7.3
12 occurred regarding the present motion for dismissal and sanctions, under Fed. Rule Civ. Proc.
13 (“F.R.C.P.”) 12(b)(6) and 41(b). No meeting occurred to discuss this motion.
14

15 A meeting was held to discuss Defendant Spiro’s request that Plaintiff stipulate that the filing of his
16 Second Amended complaint was made in error and should have simply been “lodged”.

17
18 Plaintiff, as discussed below, did not concur, but did stipulate that Mr. Spiro would have 21 days to
19 respond if it was the case that the dismissal was set aside, and summons was issued.

20 Mr. Spiro in subsequent emails threatened, cajoled and harassed Plaintiff, including threats to
21 misrepresent material facts to the Court. This is not his first attempt, nor even his most recent, to
22 construct filings and affidavits containing material falsehoods and misrepresentations.
23

24 Notably, the issue of lack of standing for any meeting under L.R. 7.3 was discussed given the lack
25 of determination of jurisdiction; Mr. Spiro was expressly and constructively aware of this fact, the
26 fact that this motion was “untimely” and was meritless. The Defendant “doubles-down” on his
27
28

1 misrepresentation when he states there was an email “series in which he and Defendant Spiro
2 discussed Spiro’s request, on the same day as the email, to confer on this motion
3 pursuant to Local Rule 7-3.” (Beginning page 6, ln 25 and ending page 7, ln 2 of Spiro’s relevant
4 motion.).
5

6 Finally, although Todd acknowledges that he failed to correct the date of the SAC filed September
7 20, 2023, it was in fact a different submission with altered content.
8

9 **II. Defendant’s Motion Fails to Address Probability of Plaintiff’s Success on the Merits.**

10
11 Defendant fails to provide an evidentiary-based argument to undermine Plaintiffs' probability of
12 success on the merits. Defendant Spiro’s declaration only discusses prior "pleading deficiencies" or
13 procedural issues questionably attributable to the Plaintiff, e.g., whether the “filing” or “lodging” of
14 the Second Amended Complaint demonstrates Plaintiff’s “defiant” stance in filing.
15

16 Defendant’s attack fails to limit its review, isolate specific claims nor substantively address the
17 adequacy of Plaintiffs' pleadings.

18 Defendant filed an Answer to the First Amended Complaint in this matter on April 24, 2023 (see
19 Docket #39). Although a Motion under Rule 12(b)(6) is allowed after each amended complaint,
20 here Defendant Spiro has already demonstrated the ability to file a substantive response. Given Mr.
21 Spiro’s request to have the entirety of the SAC dismissed with prejudice, the request here seems
22 more likely “strategic avoidance” than a factual inability for a reasonable person to respond to the
23 claims.
24

25 Motions under Fed. R. Civ. P. (“F.R.C.P.”) Rule 12(b)(6) “must be made before pleading if a
26 responsive pleading is allowed.” Fed. R. Civ. P. 12(b); see also *Elvig v. Calvin Presbyterian*
27 *Church*, 375 F.3d 951, 954 (9th Cir. 2004). As the Ninth Circuit has noted, “[a] fundamental
28

1 tenet of the Federal Rules of Civil Procedure is that certain defenses under Fed. R. Civ. P. 12
2 must be raised at the first available opportunity or, if they are not, they are forever waived.”
3 American Ass’n of Naturopathic Physicians v. Hayhurst, 227 F.3d 1104, 1106 (9th Cir. 2000).
4 An answer to a complaint is a responsive pleading. See Fed. R. Civ. P. 7(a)(2).
5
6
7

8 **Motion Fails on the Merits for Summary Judgement Application**

9 Alternatively, 12(b)(6) motions to dismiss are sometimes treated as a motion for judgment on
10 the pleadings. Aldabe v. Aldabe, 616 F.2d 1089, 1093 (9th Cir. 1980); Elvig, 375 F.3d at 954.
11 “A judgment on the pleadings is properly granted when, taking all the allegations in the
12 pleadings as true, [a] party is entitled to judgment as a matter of law.” Lyon v. Chase Bank
13 USA, N.A., 656 F.3d 877, 883 (9th Cir. 2011) (quoting Dunlap v. Credit Prot. Ass’n, L.P., 419
14 F.3d 1011, 1012 n.1 (9th Cir. 2005); Owens v. Kaiser Found. Health Plan, Inc., 244 F.3d 708,
15 713 (9th Cir. 2001)). If the Court elects to convert Defendants’ untimely motion to dismiss into
16 a judgment on the pleadings, the motion should be denied on the merits because the pleading
17 begs for numerous fact determinations.
18

19 **A. The Court Must Consider the Complaint in Its Entirety when Evaluating a Motion to** 20 **Dismiss for Failure to State a Claim.** 21

22 Defendant Spiro asserts that all sixteen counts in the Complaint are conclusory and fail to state
23 claims upon which relief can be granted. To support this argument, Defendants ask that the Court
24 ignore all but three of the paragraphs of the Complaint - paragraphs 19, 21, and 25 which
25 Defendants state do not contain sufficient factual detail. Defendants’ proposition that the Court
26 should not consider the remaining 29
27
28

1 A defendant may move for dismissal when a plaintiff "fails to state a claim upon which relief can be
2 granted." Fed. R. Civ. P. 12(b)(6). To survive a motion to dismiss, a complaint must contain
3 sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face.
4 *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009). A claim has facial plausibility when the plaintiff
5 pleads factual content that allows the court to draw the reasonable inference that the defendant is
6 liable for the misconduct alleged. *Id.* at 678. Although the court must accept as true a complaint's
7 well-pleaded facts, conclusory allegations of law and unwarranted inferences will not defeat an
8 otherwise proper Rule 12(b)(6) motion. *Vasquez v. Los Angeles County*, 487 F.3d 1246, 1249 (9th
9 Cir. 2007); *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001). A plaintiff is
10 obligated to provide grounds for their entitlement to relief that amount to more than labels and
11 conclusions or a formulaic recitation of the elements of a cause of action. *Bell Atl. Corp. v.*
12 *Twombly*, 550 U.S. 544, 545 (2007). "[T]he pleading standard Rule 8 announces does not require
13 'detailed factual allegations,' but it demands more than an unadorned, the-defendant-unlawfully-
14 harmed-me accusation." *Iqbal*, 556 U.S. at 678. Dismissal under Rule 12(b)(6) "can [also] be based
15 on the lack of a cognizable legal theory." *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th
16 Cir. 1988).

17
18
19 When assessing the sufficiency of a complaint under Rule 12(b)(6), the court ordinarily must not
20 consider material outside of the pleadings. *Lee v. City of Los Angeles*, 250 F.3d 668, 688 (9th Cir.
21 2001). One exception to this rule is the incorporation-by-reference doctrine, which allows the court
22 to "consider evidence on which the 'complaint "necessarily relies" if: (1) the complaint refers to the
23 document; (2) the document is central to the plaintiff's claim; and (3) no party questions the
24 authenticity of the copy attached to the 12(b)(6) motion." *Daniels-Hall v. Nat'l Educ. Ass'n*, 629
25 F.3d 992, 988 (9th Cir. 2010) (quoting *Marder v. Lopez*, 450 F.3d 445, 448 (9th Cir. 2006)).
26
27
28

1 Paulson v. City of Mountlake Terrace, No. C19-1492-JCC, at *3 (W.D. Wash. Jan. 15, 2020)

2 Paulson v. City of Mountlake Terrace, No. C19-1492-JCC, at *2-3 (W.D. Wash. Jan. 15, 2020)

3
4 Plaintiff, Todd Hill (“Todd” or “Plaintiff”) has asserted that Mr. Spiro has committed violations of
5 the law and duty, including duties imposed under the Rules of Professional Conduct, which raise
6 "substantial questions as to [his] honesty, trustworthiness or fitness as a lawyer in other respects"
7 within the meaning of A.B.A. Model Rule of Professional Conduct 8.3. Plaintiff has cited specific
8 incidents that occurred in matters in which Mr. Spiro had performed as Dean of the People’s
9 College of Law or in past representation of clients in case(s) adverse to Mr. Spiro and his co-
10 defendants.
11

12 In his latest motion, Mr. Spiro demonstrates persistence in conduct that raises these issues again.
13 His misrepresentations start on the first page of his motion where he claims a “Meet and Confer”
14 was held on September 12, 2023 related to his current motion under F.R.C.P. 41(b) and 12(b)(6);
15 although the parties did meet, neither rule was discussed and it is questionable as to whether any
16 exercise of a meeting under Local Rule occurred at all given the lack of active cause or controversy,
17 demonstrated by the Court’s order to supply a Second Amended Complaint was not issued until
18 September 18, 2023 (at Docket’s [#51](#) and [#54](#)).
19
20

21 **Local Rules and Court's Authority:** Given the context, and for the reasons stated above and
22 below, Todd’s SAC is submitted in good faith and is believed to substantively comply with F.R.C.P.
23 Rules 8 and 9. Local Rules 83-2.2.3 and 83-2.2.4, and underscore the court’s role in ensuring a fair
24 and just process, which should permit a detailed exploration of complex issues without the
25 imposition of undue restrictions.
26

27 L.R. 83-3 clarifies the Attorney Disciplinary Rules of the Court.
28

1 L.R. 83-3.1 governs discipline and states, “Nothing contained in these Rules shall be construed to
 2 deny the Court its inherent power to maintain control over the proceedings conducted before it or to
 3 deny the Court those powers derived from statute, rule or procedure, or other rules of court. When
 4 alleged attorney misconduct is brought to the attention of the Court, whether by a Judge of the
 5 Court, any lawyer admitted to practice before the Court, any officer or employee of the Court, or
 6 otherwise, the Court may, in its discretion, dispose of the matter through the use of its inherent,
 7 statutory, or other powers; refer the matter to an appropriate state bar agency for investigation and
 8 disposition; refer the matter to the Standing Committee on Discipline; or take any other action the
 9 Court deems appropriate. **These procedures are not mutually exclusive.**” {Emphasis added.}

12 **Addressing the Merits of Plaintiff’s Second Amended Complaint**

13
 14 In its Order (Docket #54, <https://ecf.cacd.uscourts.gov/doc1/031140866269>) granting Plaintiff leave
 15 to file the SAC, the Court found that the interests of justice were better served by allowing the case
 16 to be determined on its merits rather than on a procedural default, noted that there was no evidence
 17 of prejudice to the Defendants by reopening the case, and the Defendants would have the full
 18 opportunity to respond to the Second Amended Complaint. The Plaintiff’s motion to file a Second
 19 Amended Complaint was granted, and the Judgment of Dismissal against the Plaintiff was set aside.
 20 The Clerk was directed to file the Second Amended Complaint and issue Summons. The Defendants
 21 were given 21 days from the date of service of summons and the Second Amended Complaint to
 22 respond.
 23

24 **Factual Background**

25
 26 People’s College of Law was placed on probation for longstanding issues of noncompliance by the
 27 State Bar of California December 2, 2022. Mr. Spiro’s service as Dean of the Law School as well as
 28

1 his representation as outside counsel are contiguous, at least in part, with the State Bar's own
2 findings of institutional noncompliance.

3
4 Mr. Spiro served as Dean and counsel for various defendants named in the SAC during the relevant
5 period.

6 **Revisiting the Grounds for Dismissal and Subsequent Amendments**

7
8 Admittedly, the Court has previously mentioned issues related to Rule 8 compliance, which Plaintiff
9 iteratively addresses. The prior orders granting leave to amend the complaints did not provide an
10 explicit limit to the length of the complaint.

11
12 Additionally, Plaintiff contends that F.R.C.P. Rule 9, governing pleading special matters like
13 misrepresentation and fraud, has not been formally considered in prior judicial rulings related to
14 Todd's complaint(s).

15 16 **Counterarguments to Defendant's Opposition**

17
18 Defendant Spiro in his motion cites *McHenry v. Renne*, 84 F.3d 1172, 1177-78 (9th Cir. 1996) as
19 definitive of the Court's authority to dismiss. The Court has also cited *McHenry* in its earlier
20 determinations.

21
22 Here, Plaintiff humbly asks the Court consider *Briggs v. Montgomery*, discussed below, which
23 contravenes *McHenry* in this context.

24 In *Briggs*, the Court declined to require Plaintiffs to amend their complaint, which it acknowledged
25 was "lengthy and includes some extraneous background information that is not material to the
26 claims for relief, the Court will allow this action to proceed forward on the FAC. See *Hearns*, 530
27 F.3d at 1127 (district court abused its discretion by dismissing FAC with prejudice solely because of
28

its length; "although each [complaint] set forth excessively detailed factual allegations, they were coherent, well-organized, and stated legally viable claims"); contra *McHenry v. Renne*, 84 F.3d 1172, 1177-78 (9th Cir. 1996) (affirming district court's dismissal of complaint with prejudice where complaint was "argumentative, prolix, replete with redundancy, and largely irrelevant," consisted "largely of immaterial background information," and "Despite all the pages, requiring a great deal of time for perusal, one cannot determine from the complaint who is being sued, for what relief, and on what theory, with enough detail to guide discovery."); *Nevijel v. N. Coast Life Ins. Co.*, 651 F.2d 671, 674 (9th Cir. 1981) (affirming district court's dismissal where complaint was "verbose, confusing and conclusory"). Here, despite its length, "[t]he [FAC] is logically organized, divided into a description of the parties, a chronological factual background, and a presentation of enumerated legal claims, each of which lists the liable Defendants and legal basis therefor." *Hearns*, 530 F.3d at 1132. While it does contain some "excessive detail", the FAC is "intelligible and clearly delineate[s] the claims and the Defendants against whom the claims are made." *Id.* *Briggs v. Montgomery*, No. CV-18-02684-PHX-EJM, at *27-28 (D. Ariz. June 18, 2019)

A. Addressing Alleged Procedural Missteps Refuting Defendant's Claims of Rule Violations

The Plaintiff, a pro se litigant in this matter, refutes the Defendant's claims of procedural non-compliance, providing evidence of adherence to relevant legal standards and correcting misrepresentation regarding the service and signature of the complaint.

Plaintiff additionally asserts that amendments often occur naturally in the process of adjudication; here, the Defendants can likely reasonably respond to various sections that detail individual factual allegations as well as pleading of the causes of action.

1. Clarifying Issues, Errors and Misrepresentations in Mr. Spiro's Motion

1 **A. Demand Futility - In this case, Plaintiffs identify two overlapping grounds**
2 **that excuse their obligation to make a demand on Allergan's board. First,**
3 **they allege that the Board decided to pursue a business plan premised on**
4 **unlawful conduct. Second, they allege that the Board remained consciously**
5 **inactive despite actual or constructive knowledge of wrongdoing at Allergan.**
6 **Each of these asserted grounds for demand futility finds stable footing in**
7 **Delaware corporate law.**

9 **B. Mr. Spiro misrepresents the actual events in his motion to dismiss.**

10 The record is clear that before and during the May 5, 2023 meeting, Todd attempted to present
11 curative language prior to filing the Supplemental First Amended Complaint. Here, the Court will
12 recall that the SFAC was in fact filed to comply with the Court's April 5, 2023 order; consequently,
13 it is likely that no "meet and confer" under L.R. 7.3 was required since the filing of the SFAC under
14 Court order would procedurally require a motion for leave from the Court for its entry, rendering
15 Mr. Spiro's argued violation an error, at best.

17 Here, it appears an intentionally fallacious argument, since Mr. Spiro, a licensed attorney, was and
18 remains constructively and expressly aware of the issues yet filed his motion misrepresenting the
19 facts and has failed to correct errors for which there is evidence of his full cognizance.

21 Mr. Spiro refused to entertain any "good faith" discussion and review of the proposed curative
22 language presented in the SFAC and then subsequently misrepresented to the Court Todd's attempts
23 at "curing" the issues via substantive discussion. Facially, Mr. Spiro preferred taking the
24 opportunity to "steamroll" his motion to dismiss and deny Plaintiff the reasonable opportunity to
25 adjudicate the case on the merits.

1 **C. Mr. Spiro failed to abide by Local Rule 7.3 requiring good faith effort to**
2 **“Meet and Confer” prior to filing his motion to dismiss.**

3 Mr. Spiro failed to offer any opportunity to substantively confer under Local Rule 7.3 regarding his
4 motion to dismiss. Although Mr. Spiro has prior made false claims related to Plaintiff’s misconduct
5 in this area, the truth is that Mr. Spiro has failed to comport his conduct with either Local Rule or
6 his obligations as a licensee in this area.

7
8 Mr. Spiro has coordinated meetings, but generally refuses substantive discussions; in addition, Mr.
9 Spiro has engaged in harassing conduct publicly and has threatened misrepresentation to the Court,
10 presumably because of the inherent expectations of his honesty and candor ordinarily appropriate
11 for a licensee of his experience.

12
13 **D. Mr. Spiro, when notified of the errors in his motion, failed to correct the**
14 **record.**

15 Mr. Spiro filed the current motion to dismiss on September 28, 2023. As of November 17, 2023,
16 Plaintiff is not in possession of any evidence that Mr. Spiro has attempted to correct any error or
17 misrepresentations to the Court. As a person is presumed to intend the reasonably foreseeable
18 consequences of their conduct, it begs the question of not just his intent as a reasonable person, but
19 the presumed intent of a licensee beholden to a higher standard of conduct.

20
21 Mr. Spiro’s refusal to “look at” or honestly discuss proposed curative language implies his intent to
22 file his motion “no matter what”, regardless of Plaintiff’s good faith intent to cure.

23
24 **B. Compliance with the April 5, 2023 Order**
25
26
27
28

1 The Plaintiff has demonstrated a willingness to adhere to the Court's directives, including its in the
2 April 5 order, with each amendment in the complaint made in good faith and with the intention to
3 clarify the application of the facts and strengthen the legal arguments in regard to the Defendants.

4
5 Plaintiff has acknowledged that he is not in possession of all of the facts and has requested leave for
6 discovery. In addition, only one actual answer has been filed, by Mr. Spiro himself, related to a prior
7 complaint.

8
9 Mr. Spiro has alleged several issues as “demonstrative of non-compliance” that are in fact
10 commonly used in pleadings for clarity and efficiency, including:

11 a. Incorporation of Antecedent Allegations by Reference:

12 Response: The SFAC's practice of incorporating earlier allegations into each cause of action is a
13 standard procedural tool used to provide a comprehensive and coherent narrative, especially in
14 complex cases involving multiple defendants and extended timelines. This approach is not only
15 efficient but necessary to avoid repetitive restatement of the same facts and to ensure that each
16 cause of action is understood in the context of the broader factual background. The SFAC's structure
17 provides clarity and coherence, particularly important in a case of this magnitude.

18
19 b. Use of the Term 'Defendants':

20
21 Response: While the SFAC does use the term “Defendants” in a collective manner, this is done for
22 clarity and efficiency, given the large number of defendants involved. However, the SFAC goes to
23 great lengths to specify the actions and roles of individual defendants where necessary, particularly
24 in the detailed descriptions preceding the causes of action. For example, in the paragraphs leading
25 up to the first cause of action, there is a concerted effort to delineate each defendant's specific
26 actions and roles, thereby providing the necessary specificity required by the April 5th Order. The
27 cited paragraph 242 in Mr. Spiro’s motion (and its equivalent in the First Amended Complaint) is
28

1 part of a broader narrative that, when read in full, provides clear distinctions among the roles and
2 actions of the various defendants. The SAC has sought to create further clarifications and
3 distinctions in this area. Presumably, as additional facts become available, further clarity will be
4 achieved.

5
6 c. Compliance with the Court's Directives:

7 Response: The SAC is a conscientious effort to comply with the Court's directives, including it's
8 April 5th, 2023 Order. The detailed nature of the SAC addresses the Court's concerns by providing a
9 clearer, more comprehensive account of the claims and the involvement of each defendant. This
10 approach ensures that the defendants are adequately informed of the allegations against them,
11 thereby facilitating a more effective and efficient response and defense.

12
13 In addition, as the Plaintiff anticipates future amendments as the case progresses and the Defendants
14 substantively respond, he is committed to compliance with the Court's needs and directives.

15
16 D. Contextual Understanding:

17 Response: The nature and complexity of the case necessitate a detailed and comprehensive
18 pleading. The SAC's structure, while extensive, is designed to provide a complete and coherent
19 narrative essential for understanding the complex interactions and alleged misconduct over an
20 extended period. This level of detail is critical for adequately presenting the plaintiff's case and
21 ensuring that the Court has a full understanding of the context and specifics of each claim. It is
22 designed to assure the Court of an active and viable controversy and Plaintiff's good faith it
23 bringing it to the Court for adjudication.

24
25 Mr. Spiro admits to filing his motion without reading the version of the complaint he spends more
26 time talking about than the current active SAC (which see [Docket #58](#), page 2 at lines 25 through
27 28.)

1 **Demonstrating Conformity with the Court's Directions**

2 Plaintiff has made clear effort to demonstrate good faith and reasonable efforts to comply with the
3 Court's directives; Todd has limited the scope of factual allegations, of the evidence presented
4 where in this case there is an abundance given the number of parties and the available
5 documentation in support.
6

7 **Content Review of the "Second Amended Complaint"**
8
9

10 **C. Plaintiff's Position in Regard to Length and Scope**
11

12 **Complexity and Scope of the Case:** The extensive nature of the allegations, covering a period of
13 4+ years and involving 60+ defendants, inherently demands a detailed exposition. Given the
14 multifaceted and intertwined nature of the claims, a concise statement, as required by Rule 8, does
15 not preclude thoroughness when the complexity of the case warrants it. The detailed presentation is
16 necessary to provide a clear understanding of each defendant's role and the interconnections among
17 them, which is crucial for establishing the context and basis of the claims.
18

19 **Efficiency in Presentation:** Despite its length, the complaint efficiently organizes and presents the
20 information. The breakdown of the document — 5 pages for the caption, 8 pages delineating each
21 defendant and their relationships, 1 page for jurisdiction and venue, factual allegations beginning on
22 page 15, and the first of 16 causes of action starting on page 53 — demonstrates an organized
23 approach that aids in the clarity and understanding of the case. This organization facilitates the
24 Court's and the Defendants' ability to navigate through the complexities of the case. The end of the
25 sixteenth cause terminates with the perjury affidavit on page 121. A simple review shows that each
26 cause is argued on average in 4 pages or less.
27
28

1 After the cause pleadings, Plaintiff provides 8 relevant exhibits (totaling 68 pages, from pages 122
2 to 190), marked Exhibits A through H, which include various copies of documents including:
3 inaccurate transcripts and signed certifications by Mr. Spiro to the State Bar (Exhibit A, pages 122-
4 131); relevant email chains (Exhibit B, pages 132-138 and Exhibit C, pages 139-154); documents
5 related to Plaintiff's search and attempts to obtain alternative remedy (Exhibit D, pages 155-161); a
6 report issued by the State Bar of California demonstrative of various issues as well as the Plaintiff's
7 probability of harm (Exhibit E, pages 162-179 and Exhibit F, pages 180-184); additional
8 "unofficial" transcripts demonstrative of Defendant's failure to timely cure (Exhibit D, pages 185-
9 188); and a copy of Plaintiff's test passage score results (Exhibit H, pages 189-190).
10

11 **Fulfillment of F.R.C.P. Rule 8 Requirements**

12
13 The filed complaint adheres to the three primary requirements of Rule 8. It provides:

14 A clear statement of the grounds for the court's jurisdiction.
15

16 A straightforward, albeit detailed, statement of the claims showing entitlement to relief. The length
17 here is justified by the need to elucidate the multifaceted aspects of each claim, especially in a case
18 involving numerous defendants and a variety of alleged misconduct over an extended period.
19

20 A clear demand for relief, including specific types of relief sought for each of the causes of action.

21 Precedent and Judicial Discretion: Courts have recognized that in complex cases involving multiple
22 parties and extensive factual backgrounds, longer pleadings may be necessary and appropriate.
23

24 Judicial discretion allows for a practical interpretation of "short and plain" in the context of the
25 case's complexity.
26
27
28

1 Purpose of Rule 8: The purpose of Rule 8 is to provide sufficient information to allow the other side
2 to respond and to prevent pleadings from being so vague that they impede the efficiency of the court
3 process. In this case, the detailed complaint serves the purpose of informing each of the 60
4 defendants of the specific allegations against them, thereby facilitating a more efficient and
5 informed response, which aligns with the spirit of Rule 8.
6

7 **Rule 8's plain language is that a "pleading must contain" clear and concise statements; it does**
8 **not in fact limit the length of the complaint or the number of causes.**
9

10 Although Plaintiff must acknowledge the broad use of judicial discretion in caselaw where a
11 complaints length has been used to justify its dismissal, here Plaintiff argues that the approach taken
12 is not violative of the principles of Rule 8. Plaintiff also argues that F.R.C.P. Rule 9 must be
13 considered as well as the Court's prior determination that this case deserves judgement on the
14 merits.
15

16 **F.R.C.P Rule 9's Justifies Length and Details**

17

18 Plaintiff believes the complaint must be considered and adhere to the primary requirements of
19 F.R.C.P. Rule 9, and that the rule at least partially justifies its scope, length, and details

20 **Complexity of Case Justifying Detail:** Rule 9 acknowledges that certain aspects of a case, such as
21 allegations of fraud (Rule 9(b)) or special damages (Rule 9(g)), require specific and detailed
22 statements. Given the extent of misconduct spanning four years, involving 60 defendants, and
23 multiple causes of action, the level of detail in the complaint is appropriate to clearly articulate the
24 specific nature of the allegations. This complexity necessitates a comprehensive narrative to
25 sufficiently describe the circumstances constituting fraud or mistake, as well as any special damages
26 claimed.
27
28

Efficiency in Pleading Special Matters:

a. Fraud or Mistake (Rule 9(b)): The complaint's detailed nature fulfills the requirement to state with particularity the circumstances constituting fraud or mistake. Given the large number of defendants and the extended timeframe, detailed factual allegations are necessary to provide clarity and specificity.

b. Special Damages (Rule 9(g)): In cases where special damages are claimed, they must be specifically stated. The comprehensive approach taken in the complaint ensures that all claims of special damages are clearly articulated, meeting the specificity requirement of Rule 9(g).

Organizational Clarity:

The complaint's structure, with dedicated sections outlining the roles of each defendant, jurisdiction, venue, and factual background leading to the causes of action, aids in both understanding the complex web of relationships and events and Defendant response. This level of detail is not just a matter of thoroughness but a necessity for clarity in a case of this magnitude and complexity.

Compliance with Other Provisions of Rule 9:

Capacity or Authority to Sue (Rule 9(a)): The complaint likely addresses the capacity or authority to sue as needed, ensuring compliance with Rule 9(a).

Conditions Precedent (Rule 9(c)): The general allegation that all conditions precedent have been met is likely included, aligning with the requirements of Rule 9(c).

1 Time and Place (Rule 9(f)): Detailed allegations of time and place are essential in a case covering a
2 long duration and involving numerous parties. This aligns with Rule 9(f), which considers time and
3 place allegations as material.

4
5 Rule 9's Flexibility in Complex Cases: While Rule 9 requires particularity in certain circumstances,
6 it also allows for general allegations in others (such as conditions of mind). The balance between
7 these requirements in the complaint demonstrates an understanding of and adherence to the rule's
8 spirit, particularly in the context of a complex and multifaceted legal dispute.

9
10 Here, Plaintiff asserts the complaint's length and detailed nature are in line with the requirements of
11 Rule 9, especially considering the complexity of the case, the number of parties involved, and the
12 nature of the allegations. The detailed approach ensures that available and necessary particulars are
13 provided where required by Rule 9, especially in allegations of fraud, special damages, and other
14 special matters that necessitate a higher level of specificity.

15 16 **D. Challenging the Request for Sanctions**

17 The Plaintiff counters the Defendant's call for sanctions, arguing that such a request is unwarranted
18 and distracts from the substantive legal issues central to the case. Here, where the underlying facts
19 are simple to ascertain, i.e.,

20
21 In effect, Mr. Spiro seems to request sanctions on the basis that he has been sued for cause and the
22 Plaintiff seeks just adjudication of the matter given his clear unwillingness to cure. He claims that a
23 filing in State court for a TRO and a complaint and subsequent amendments under Court order is
24 "nearing or crossing the line into vexatious litigation."

25
26 Here, where the exhibits supplied by the SAC themselves clearly indicate the existence of issues of
27 concern and active controversy, Mr. Spiro's arguments appear willfully blind to the facts and tone
28 deaf to the record.

1 **Countering Basis for Proposed Sanctions**

2
3 Mr. Spiro claims that Plaintiff “defiantly” filed his motion, “intentionally”, the tone and tenor of the
4 Defendants’ statements facially appear made to evoke Judicial bias.

5 Mr. Spiro then “supports” his misrepresentative statement not by supplying the relevant email, but
6 instead chooses to supply an affidavit, stating in the motion that Todd “did not intend to lodge it but
7 mistakenly file it – he intended to file it. He said so in a September 11, 2023 email to Defendant
8 Spiro: “it was my clear intent to file an Amended complaint”. (Spiro Decl., ¶ 2. Exh. A.)”
9

10 Mr. Spiro does not apply the statement in context, nor does he supply the actual email, attached here
11 as Exhibit E, where Todd states in context:

12
13 “The proposed order was “lodged”. My motion was “filed”, and the Court filed the
14 accompanying Amended Complaint which it will consider for re-opening. If a mistake was made, it
15 was not mine. My intent was to file second amended complaint. The court has done so...”

16
17 Importantly here, Todd’s actual filing privileges had been revoked. In deference to the Court and in
18 good faith Plaintiff has not petitioned for reinstatement and thus the basis for Mr. Spiro’s attribution
19 of fault and request for sanctions based on the conduct are also without merit.

20 The above not only demonstrates Todd’s lack of defiance and deference to the Court in determining
21 the appropriate path, but the email chain also serves to infer Mr. Spiro’s intent to file this current
22 motion for inappropriate and punitive purpose.
23

24 **Contextualizing Prior Litigation History**

25
26 While Plaintiff acknowledges his attempt at a combined TRO and civil action were dismissed in
27 State court under the Doctrine of Forum Non Conveniens, the State court made no determination of
28

1 the merits and dismissed the matter without prejudice. It may be the case that the State Court
2 determined that a Federal venue was more appropriate as the ruling was ostensibly silent on the
3 matter.

4
5 This aligns with Mr. Spiro's statement of fact related to the Judge's order, which he cites on page 5,
6 lines 2-3, of his motion: "The Court finds that this court is not the appropriate forum for what
7 Petitioner is seeking and orders the case dismissed without prejudice."

8
9 Although Mr. Spiro implies that the statutory award of attorney's fees, which he requested awarded
10 to himself as counsel and co-defendant, was indicative of the actual merits of Plaintiff's complaint,
11 the context here is such that determination of the truth would likely require a separate trial and is
12 likely an inappropriate representation as used in the context of his request for dismissal. Notably, on
13 the hearing date Mr. Spiro and his co-defendant made an appearance; the Corporation, the only
14 party served, failed to do so.

15 16 17 **Analysis of Defendant's Declaration**

18 Mr. Spiro's declaration include inconsistencies and inaccuracies, including Mr. Spiro's failure to
19 engage in activities related to "good faith" correction and review.
20

21 **Highlighting Misinterpretations and Overlooked Facts**

22

23 Mr. Spiro has appeared and has already provided an answer to the First Amended Complaint
24 ("FAC"), which is evidence that a reasonable person in similar circumstance can answer and
25 respond to the SAC.

26
27 Mr. Spiro filed his answer to the FAC on April 24, 2023 (see [Docket #39](#)). The Court expressly
28 requested an amended complaint be filed; Plaintiff complied. Now Mr. Spiro files a 12(b)(6),

1 questionably outside the timeframe appropriate for such filing even given Plaintiff's admitted lapse
2 in response.

3
4 An additional irony arises here as, at the time of Mr. Spiro's attorneys fees award, Plaintiff has
5 contended that he was acting, at least in part, in accord with his statutory duties as the Secretary of a
6 non-profit corporation, i.e., the People's College of Law and his cause of action sought to bring the
7 entity into compliance. Plaintiff contends in his pleading that he was likely under statutory
8 indemnification at the time of the award. Thus, here again, it appears plausible that Mr. Spiro's
9 argument is also fallacious, or at least, requires determination of the facts for appropriate
10 adjudication.
11

12 **Conclusion and Request for Relief**

13
14 The Plaintiff reiterates the merit and validity of his claims.

15
16 The Plaintiff respectfully requests the court to deny the Defendant's motion and to give due
17 consideration to the merits and substance of the Plaintiff's Second Amended Complaint. Plaintiff
18 recognizes the broad discretion of the Court to determine both actual and potential compliance of
19 the Second Amended Complaint with its rules; as the Court has prior recognized the viable
20 controversy and Plaintiff's actual good faith pursuit of meritorious factual determination and
21 remedy, he asks the Court to deny the motion and order Mr. Spiro's timely response given that Mr.
22 Spiro has already demonstrated an ability to do so.
23

24 **Alternative Request in Case Court Leans Towards Dismissal: Leave to Amend**

25
26 A Plaintiff can generally file an amendment before a Defendant's responsive pleading. A motion to
27 dismiss is not a 'responsive pleading' within the meaning of the Rule. Neither the filing nor granting
28 of such a motion before answer terminates the right to amend; an order of dismissal denying leave

1 to amend at that stage is improper." *Schreiber Distributing v. Serv-Well Furniture Co.*, 806 F.2d
2 1393, 1401 (9th Cir. 1986).

3
4 In dismissing for failure to state a claim, "a district court should grant leave to amend even if no
5 request to amend the pleading was made, unless it determines that the pleading could not possibly
6 be cured by the allegation of other facts." *Cook, Perkiss Liehe v. N. Cal. Collection Service*, 911
7 F.2d 242, 247 (9th Cir. 1990). As in *Schreiber*, the record here contains "no indication of such a
8 determination." See also *Bonanno v. Thomas*, 309 F.2d 320, 322 (9th Cir. 1962). In fact, the district
9 court provided no justification for its dismissal of Doe's tort claims at all. "Because the district court
10 did not determine, nor can we conclude, that the allegation of other facts could not possibly cure the
11 deficiencies in [Doe's] complaint, the district court abused its discretion in dismissing [the
12 complaint] with prejudice." *Schreiber*, 806 F.2d at 1401.

13
14 Plaintiff suggests that Defendants response to the SAC is reasonable and offers a more efficient path
15 to resolution of this matter.
16

17 **Request for Sanctions against Mr. Spiro**

18 F.R.C.P. Rule 11(b) governs attorney representations to the Court. It states in relevant part that, "By
19 presenting to the court a pleading, written motion, or other paper-whether by signing, filing,
20 submitting, or later advocating it-an attorney or unrepresented party certifies that to the best of the
21 person's knowledge, information, and belief, formed after an inquiry reasonable under the
22 circumstances:
23

24 (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or
25 needlessly increase the cost of litigation;
26
27
28

1 (2) the claims, defenses, and other legal contentions are warranted by existing law or by a
2 nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new
3 law;

4
5 (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have
6 evidentiary support after a reasonable opportunity for further investigation or discovery; and

7 (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified,
8 are reasonably based on belief or a lack of information.
9

10 Here, as discussed above, Mr. Spiro has on multiple occasions actively represented to the Court
11 Plaintiff's misconduct and bad faith when in fact Spiro has been demonstrated engaged in egregious
12 misconduct.
13

14 **In re Girardi, 611 F.3d 1027 (9th Cir. 2010) held that, although "carelessly, negligently, or**
15 **unreasonably multiplying the proceedings is not" vexatious, "recklessly or intentionally**
16 **mis[leading] the court" is vexatious, as is "recklessly rais[ing] a frivolous argument".**
17

18 In analogous sanction, three attorneys were suspended for presenting briefs containing falsehoods.
19 Dizon v. Wells Fargo, No. 12-cv-04623 SC (NC) (N.D. Cal. Mar. 12, 2013).

20 Mr. Spiro has attempted to use the Court's broad discretion in assignment of sanctions
21 inappropriately as a weapon. As a licensee with statutory duties of candor Plaintiff believes this
22 conduct is reprehensible and anathema to the proceedings.
23

24 Plaintiff asks the Court to consider appropriate sanctions to disincentivize Mr. Spiro's continued
25 misconduct.
26

27 Costs of litigation are not limited to the monetary costs borne by the pro se litigant or defendant;
28 The costs of litigation have been recognized to include "social costs". They are also borne "by the

1 taxpayers, and by parties to other lawsuits in the same court, whose cases may be delayed or who
2 may receive less attention from the judges than if the caseload were lighter." *Lumbert v. Illinois*
3 *Dept. of Corrections*, 827 F.2d 257 (7th Cir. 1987) ,827 F.2d at 259.

4
5 Attorney Spiro has express and constructive knowledge of his absolute candor obligations. ABA
6 Model Rule 3.3 imposes a duty of candor on attorneys towards the tribunal. The pertinent part of the
7 rule states that a lawyer shall not knowingly "make a false statement of fact or law to a tribunal or
8 fail to correct a false statement of material fact or law previously made to the tribunal by the
9 lawyer." ABA Model Rule 4.1(a) states that in the course of representing a client, a lawyer shall not
10 knowingly "make a false statement of material fact or law to a third person." ABA Model Rule 7.1
11 states that "[a] lawyer shall not make a false or misleading communication about the lawyer or the
12 lawyer's services." That rule adds that "[a] communication is false or misleading if it contains a
13 material misrepresentation of fact or law or omits a fact necessary to make the statement considered
14 as a whole not materially misleading."

15
16 ABA Model Rule 8.4 states, in pertinent part, that "[i]t is professional misconduct for a lawyer to . .
17 . engage in conduct involving dishonesty, fraud, deceit or misrepresentation; [or] engage in conduct
18 that is prejudicial to the administration of justice."

19
20 Todd's SAC alleges and provides clear examples of what appears to be Mr. Spiro's penchant for
21 misconduct in this area. The statements in his motion provide another "real time" example.

22 23 **Reasserting the Strength Plaintiff's Case on the Merits**

24
25 Plaintiff as a pro se litigant has demonstrated intent to conform to the rules of Court. He reiterates
26 the simplicity of the actual underlying facts; he was intentionally awarded an improper number of
27
28

1 units and when duty was clear and opportunity for remedy was offered to the Defendants they failed
2 to timely remedy for a protracted period.

3
4 Here, the likelihood of Plaintiff's "procedural" errors, if any, causing harm to the Defendants is slim
5 and the Plaintiff's risk of harm of non-meritorious adjudication of the facts is great; years of study
6 and the Plaintiff's prospective livelihood are endangered because of Defendant's misconduct.

7
8 **Plaintiff's Proof of Service**

9 This section confirms that all necessary documents will be properly served in accordance with legal
10 requirements, ensuring that due process is maintained throughout the proceedings.

11
12 **Affirmation of L.R. 11-6.1 Compliance**

13
14 "The undersigned, Todd Hill, a pro se litigant, certifies that this brief contains 6,899 words, which
15 complies with the word limit of L.R. 11-6.1.

16
17 November 20, 2023

18
19 

20 Todd R. G. Hill
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EXHIBIT E



Todd Hill <toddryangregoryhill@gmail.com>

RE: L.R. 7.3 request for telephone meeting regarding planned motions.

22 messages

Ira Spiro <ira@spirolawcorp.com>

Mon, Sep 11, 2023 at 3:31 PM

To: "Todd Hill (toddryangregoryhill@gmail.com)" <toddryangregoryhill@gmail.com>

Mr. Hill, now that you have refused to stipulate to resolve the problem you caused by filing your second amended complaint rather than lodging it, and because the filing was quite improper, I am contemplating filing a motion to dismiss your second amended complaint and a motion for sanctions against you.

I propose that by telephone we discuss thoroughly the substance of the contemplated motions and any potential resolution of them. I will not discuss any other subjects during this telephone call. I propose the call take place at any ONE of the three dates and times below, which you may choose. **Please email me back by 10 a.m. Tuesday, September 12, stating which you choose, 1, 2 or 3 above.** I will call you at the date and time of the number you choose.

The choices are either:

1. Tuesday September 12 at 2:00 p.m.

or

2. Wednesday September 13 at 2:00 p.m.

or

3. Thursday September 14 at 10:00 a.m.

To aid the discussion, I set out below some of the points I plan to make in the motions.

1. MOTION TO DISMISS

Following are most of the important reasons I believe your second amended complaint (SAC) is subject to a motion to dismiss.

- a. The SAC was filed two and a half months after the filing deadline in the court's order of June 7.
- b. The case is dismissed. An order setting aside the dismissal would be necessary for you to file an amended complaint, and there is no such order.
- c. The SAC violates Federal Rule of Civil Procedure 8(a)
- d. The SAC violates the principles of the court's order of April 5. Among other things, the SAC does not put defendants, including me, on notice of what allegations are against any particular defendant; the

SAC is far too long; it is a shotgun pleading; its incorporation paragraphs are improper; it is not simple or concise or direct; it is rambling and replete with facts of dubious relevance.

e. The court has warned you about points d. and e. previously.

2. MOTION FOR SANCTIONS

Following are most of the important reasons I believe you are subject to sanctions for filing the second amended complaint and for refusing to enter into the stipulation I offered you today: You have unreasonably and vexatiously multiplied the proceedings in this action in that your conduct results in proceedings that would be unnecessary if you had not filed the SAC or refused to enter into the stipulation, you repeatedly filed improper complaints and amended complaints, and in doing so you have acted in bad faith. You have willfully disobeyed the court's orders of June 7 and April 5.

Ira Spiro, Attorney at Law

310-235-2350- ifline busy, please leave a message at 310-287-2007

NO TEXTS --phones are land lines

Please Correspond by EMAIL ONLY, I do NOT promptly see U.S. Mail, FedEx, UPS, etc.

Los Angeles, Cal.

ira@spiralawcorp.com

website: spiralawcorp.com

pronouns: *he*

Todd Hill <toddryangregoryhill@gmail.com>

Mon, Sep 11, 2023 at 4:25 PM

To: Ira Spiro <ira@spiralawcorp.com>

Cc: "RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE" <fbi_ncra_duty@fbi.gov>, Stephen Ilg <silg@illegal.com>

Ira,

Your filing would likely violate the majority of CPBC 6068 (a)-(f), et sequentia.

What "good faith" result do you seek?

In addition, I believe your "threat" of applying for sanctions an inappropriate intimidation tactic.

a. I will stipulate that you fraudulently obtained a dismissal by misrepresenting to the Court my attempts to inform you on May 5, 2023.

b. Proposed order "lodged" to be "ruled upon" in the Court's discretion ... the Court has not issued summons; that said, given no "live case", I have no obligation to meet under Rule 7.1. Please demonstrate otherwise.

c. Which claims? All the claims you say fail to meet Ba? What about Rule 9 for "Pleading Special Matters" including allegations of fraud, misrepresentation, and RICO? What about your obligations to not promulgate "frivolous" or "unjust" cause?

d. I believe that the document is balanced and a “complete integration” of the issues. The Court has equity and justice concerns beyond that of your attempts at avoidance; by your statements you would likely infer that the issues are “incurable”? That pleader is clear, concise, and balanced. There are number of “closely” related defendants operating over a protracted period of time.

e. The Clerk has warned about the issues previously....and erroneously as I am prepared to demonstrate and arguably demonstrated in my previous motion for an amended complaint.

I am also able to point out several procedural irregularities; not the Clerk has changed 2 times.

Please be able to respond with what language you believe will “cure” your “objections”.

Tomorrow, September 12 at 2 p.m. works as a courtesy. If I am correct and this is just another “bad faith” attempt to deprive me of my rights and legal remedy, I will include the facts in my response to your motion and the above intimidation tactics.

Todd

[Quoted text hidden]

Ira Spiro <ira@spiralawcorp.com>
To: Todd Hill <toddryanggregoryhill@gmail.com>

Mon, Sep 11, 2023 at 4:59 PM

I will call you at the date and time you chose in your email below, Tuesday, September 12 at 2 p.m.

I am not addressing the rest of your email, except one that actually does bear on my contemplated motion:

“c. Which claims? All the claims you say fail to meet 8a?”

The answer is yes, all the “claims” fail to meet F.R.Civ.P. 8(a).

[Quoted text hidden]

Ira Spiro <ira@spiralawcorp.com>
To: Todd Hill <toddryanggregoryhill@gmail.com>

Mon, Sep 11, 2023 at 5:05 PM

P.S. If you sign the stipulation I sent you and email it back to me by 12 noon Tuesday, September 12, we will not need to meet and confer because I will not need to make the motion to dismiss or the motion for sanctions.

But if you do not sign the stipulation I sent you and email it back to me by 12 noon Tuesday, September 12, I will call you at 2 p.m. that day to meet and confer on my contemplated motions.

[Quoted text hidden]

Todd Hill <toddryanggregoryhill@gmail.com>
To: Ira Spiro <ira@spiralawcorp.com>

Mon, Sep 11, 2023 at 5:16 PM

Sounds good, thank you.

[Quoted text hidden]

Ira Spiro <ira@spiralawcorp.com>
To: Todd Hill <toddryanggregoryhill@gmail.com>

Mon, Sep 11, 2023 at 5:23 PM

I have no idea what you mean by “sounds good”.

In any event, as I say, **if you do not sign the stipulation** I sent you and email it back to me by 12 noon Tuesday, September 12, **I will call you at 2 p.m. that day to meet and confer on my contemplated motions.**

Ira Spiro

[Quoted text hidden]

Todd Hill <toddryangregoryhill@gmail.com> Mon, Sep 11, 2023 at 5:37 PM
 To: Ira Spiro <ira@spirolawcorp.com>
 Cc: Stephen Ilg <silg@ilglegal.com>, "RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE" <fbi_nkra_duty@fbi.gov>, lawschoolregulation <lawschoolregulation@calbar.ca.gov>, "RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE" <law.schools@calbar.ca.gov>, judicialcouncil@jud.ca.gov, civil.rights@usdoj.gov, JLSChambers <JLS_chambers@cacd.uscourts.gov>

Ira,

You have refused to demonstrate any reason one might consider stipulating, since you are "creating" a question that does not facially exist.

I have declined to "waive my rights" by refusing your request for stipulation of a judicially controlled and appropriate record entry.

In addition, you fail to make clear how my "stipulation" would cure your substantive issues and fail to indicate alternative language to effect cure and avoid a "future" motion, which is the point of the Local Rule.

You do not deny your desire to delay and promulgate "frivolous cause", with the consequence of infringing upon my rights to seek just remedy given your failure to cure the issues over the course of years.

Finally, I do not believe the Court made an error, as it was my clear intent to file an Amended complaint. You have failed to present any evidence, including reference to Rule, that indicates otherwise.

Please respond substantively with your proposal of "curative" language timely before our meeting.

Todd

[Quoted text hidden]

Ira Spiro <ira@spirolawcorp.com> Mon, Sep 11, 2023 at 6:33 PM
 To: Todd Hill <toddryangregoryhill@gmail.com>

It should be clear to you already why I ask for the stipulation and why I will make the motions – you have caused me to be served with a second amended complaint, and I need to take action on it. If the second amended complaint were treated as lodged rather than filed, then it would not be a document I would have to take action on.

Because you will not stipulate, I will call you tomorrow, Tuesday, September 12, at 2 p.m., to confer about my contemplated motions, as I have said a few times already.

[Quoted text hidden]

Todd Hill <toddryangregoryhill@gmail.com> Mon, Sep 11, 2023 at 6:47 PM
 To: Ira Spiro <ira@spirolawcorp.com>

Cc: JLSChambers <JLS_chambers@cacd.uscourts.gov>, civil.rights@usdoj.gov, "RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE" <fbi_ncra_duty@fbi.gov>, Stephen Ilg <silg@ilglegal.com>, lawschoolregulation <lawschoolregulation@calbar.ca.gov>, judicialcouncil@jud.ca.gov

Ira,

I reiterate that I do not believe action is "mandated" until a summons has been issued; however I have agreed to meet and have asked you to provide substantive proposals to "cure" your issues. You have yet to provide any.

Your opposition to my motion likely does not require a meeting under Local Rule; you impose Local Rule in an attempt to confuse and distort the actual issues and unfairly add the "color of gravamen" where there is none.

As I have asked....please provide proposals for "curative" language; otherwise your meeting is likely not but artifice.

I look forward to receiving your substantive suggestions.

Todd

[Quoted text hidden]

Ira Spiro <ira@spirolawcorp.com>
To: Todd Hill <toddryangregoryhill@gmail.com>

Tue, Sep 12, 2023 at 2:03 PM

Mr. Hill, I called you at 2:00 pm and again at 2:01 pm, and both times I got your voicemail message, and it said your mailbox is full. I will continue to call you until 2:10 pm, and if I don't reach you then, I will conclude that you have refused to meet and confer.

Ira Spiro, Attorney at Law

310-235-2350 – if line busy, please leave a message at 310-287-2007

NO TEXTS -- phones are land lines

Please Correspond by EMAIL ONLY, I do NOT promptly see U.S. Mail, Fed Ex, UPS, etc.

Los Angeles, Cal.

ira@spirolawcorp.com

website: spirolawcorp.com

pronouns: *he*

From: Todd Hill <toddryangregoryhill@gmail.com>

Sent: Monday, September 11, 2023 4:26 PM

To: Ira Spiro <ira@spirolawcorp.com>

Cc: RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE <fbi_ncra_duty@fbi.gov>; Stephen Ilg <silg@ilglegal.com>

Subject: Re: L.R. 7.3 request for telephone meeting regarding planned motions.

Ira,

11/20/23, 1:44 PM

Gmail - Full Page Request for telephone meeting regarding planned motions

[Quoted text hidden]

Todd Hill <toddryangregoryhill@gmail.com>
To: Ira Spiro <ira@spirolawcorp.com>

Tue, Sep 12, 2023 at 2:29 PM

Ira,

Our call began at 2:08 pm and ended at 2:27 pm.

You did not offer any substantive language and indicated that you could not.

You offered to "settle" by having me "stipulate" to the "lodging" of my Second Amended Complaint or having me "drop it" all together.

I declined.

Todd

[Quoted text hidden]

Todd Hill <toddryangregoryhill@gmail.com>
To: Stephen Ilg <silg@ilglegal.com>

Tue, Sep 12, 2023 at 2:30 PM

fyi

[Quoted text hidden]

Ira Spiro <ira@spirolawcorp.com>
To: Todd Hill <toddryangregoryhill@gmail.com>

Tue, Sep 12, 2023 at 4:31 PM

Your following sentence is not quite correct:

"You offered to "settle" by having me "stipulate" to the "lodging" of my Second Amended Complaint or having me "drop it" all together."

What did happen is that I offered to refrain from making my motions if you would enter into the stipulation I sent you yesterday, to have the second amended complaint treated as lodged rather than filed. You asked if I had any other ideas for resolving my planned motions. I told you at first that I couldn't think of any, but then I said you could dismiss your second amended complaint. And I offered to settle the entire case with you by giving you a release from malicious prosecution in exchange for dismissal with prejudice of your lawsuit. Whereupon you said to me: "Fuck you, fuck you ... You're an asshole."

You did not state any ideas for resolving my contemplated motions, except to argue that your 170-page complaint is really not that long, considering that there are more than 60 defendants. I reminded you that the judge stated in a previous order that your 75-page first amended complaint was too long. That complaint had just as many defendants. You said the judge's statement in her order was the clerk's error and the judge didn't sign the order.

I will keep that settlement offer open. If you consult an experienced litigation attorney about your case, and show the attorney your complaint and amended complaints and the Court's orders, I think the attorney would advise you to accept my offer.

The call began at 2:08 because you did not answer your phone when I called several times between 2:00 and 2:08. I got your voicemail greeting when I called.

[Quoted text hidden]

Todd Hill <toddryangregoryhill@gmail.com>

Tue, Sep 12, 2023 at 4:42 PM

To: Ira Spiro <ira@spirolawcorp.com>

Cc: JLSChambers <JLS_chambers@cacd.uscourts.gov>, Stephen Ilg <silg@ilglegal.com>

Ira,

You lied about the requirement for a meeting.

I offer you a meeting as a courtesy, but ask you to provide substantive solutions to your "issues".

Your response is that the complaint is "too long".

Perhaps your conduct is simply "too egregious."

You insulted me and attempted to intimidate me by indicating that you would "not motion for sanctions", your favorite "SLAPP-like" goto.

As for the "advice" you offer to me of your "opinion" on what an experienced litigation attorney would say, there is no "attorney" that has ever had to wage a cause like this.....check the case law.

As for defendant quantity - it is a reasonable question to ask what the appropriate "conduct" would be.

Finally, you have a duty not to "deliberately misinform" on matters of law.

You seem to ignore that "duty" habitually.

Todd

[Quoted text hidden]

Ira Spiro <ira@spirolawcorp.com>

Tue, Sep 12, 2023 at 5:37 PM

To: Todd Hill <toddryangregoryhill@gmail.com>

I agree with one thing you say – "there is no "attorney" that has ever had to wage a cause like this" Of course no attorney has ever brought a lawsuit like yours.

And I certainly did not say I "would "not motion for sanctions" – any attorney knows that is incorrect phrasing – I've never heard an attorney use that expression, only non-attorneys.

You think there was no requirement of a meeting?! I'm not surprised. I don't think you've ever read the rules that apply to cases in this court.

I am not commenting on the rest of your email.

[Quoted text hidden]

Todd Hill <toddryangregoryhill@gmail.com>

Tue, Sep 12, 2023 at 5:41 PM

To: Ira Spiro <ira@spirolawcorp.com>

Cc: JLSChambers <JLS_chambers@cacd.uscourts.gov>, "RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE" <fbi_ncra_duty@fbi.gov>, Stephen Ilg <silg@ilglegal.com>, civil.rights@usdoj.gov,

judicialcouncil@jud.ca.gov, lawschoolregulation <lawschoolregulation@calbar.ca.gov>

You try to correct your own innacurate statements under the “guise” of correcting me.

You’re are “lying” now and trying to create “questions” that do not exist.

I will respond appropriately to any “motions” you may file.

I believe the Court will be able to determine the necessary facts from the record.

Todd

[Quoted text hidden]

Ira Spiro <ira@spirolawcorp.com>
To: Todd Hill <toddryangregoryhill@gmail.com>

Wed, Sep 13, 2023 at 3:19 PM

Mr. Hill, I thought of another way to resolve my contemplated motions, namely the attached stipulation regarding my deadline to file a response to your second amended complaint. If you want to enter into the stipulation, please sign it and email me the stipulation with your signature on it. I must ask that you do that **no later than Friday, September 15, 2023.** Otherwise I plan to file the motions I notified you about on September 11.

[Quoted text hidden]

 **STIP re RESPONSE TO SAC.pdf**
94K

Todd Hill <toddryangregoryhill@gmail.com>
To: Ira Spiro <ira@spirolawcorp.com>

Wed, Sep 13, 2023 at 4:34 PM

Ira,

I propose the following changes:

21 days instead of 30 days to respond.

Change contingency (b) to Summons is issued.

Strike contingency (c).

Todd

[Quoted text hidden]

Ira Spiro <ira@spirolawcorp.com>
To: Todd Hill <toddryangregoryhill@gmail.com>

Wed, Sep 13, 2023 at 5:31 PM

Attached is a revised stipulation. I made the change from 30 days to 21 days. I also deleted paragraph (c).

But about the summons, a summons has nothing to do with me, because I have already appeared and the court already has jurisdiction over me. The second amended complaint has been served on me, even though I wasn’t served with a summons. Same thing happened with the first amended complaint. And remember, I appeared and responded to your initial complaint without being served a summons – I signed and returned the waiver of service. Also, you’ve said the clerk is trying to issue a new summons now, so I’m sure you appreciate that I have little or no reason to sign the stipulation with your proposed summons clause.

If you want, sign the attached new version and email it back to me with your signature on it, by Friday September 15.

Ira Spiro, Attorney at Law

310-235-2350 – if line busy, please leave a message at 310-287-2007

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Los Angeles, Cal.

ira@spirolawcorp.com

website: spirolawcorp.com

pronouns: *he*

From: Todd Hill <toddryangregoryhill@gmail.com>
Sent: Wednesday, September 13, 2023 4:35 PM
To: Ira Spiro <ira@spirolawcorp.com>
Subject: Re: L.R. 7.3 request for telephone meeting regarding planned motions.

Ira,

[Quoted text hidden]
[Quoted text hidden]

 **STIP re RESPONSE TO SAC - VERSION 2.pdf**
90K

Todd Hill <toddryangregoryhill@gmail.com>
To: Ira Spiro <ira@spirolawcorp.com>

Wed, Sep 13, 2023 at 5:54 PM

Ira,

The case was dismissed.

The fact that you were “served” with my motion is not of the same effect as “issuance of filed summons “or “service of executed” summons.

I understand that there is basically “0” extra time for you if summons is issued, but the truth is you are already “ahead” of the game since you already have the majority of your response prepared, if your last response is any indication.

Consequently, you can see why I have “zero” incentive to grant you extra time when I don’t believe you present viable question.

Although you elected to appear, I have no evidence that was any “good faith” attempt at resolution; given the other facts, I doubt any reasonable person would offer you more time based on the arguments you have presented.

When the court "issues summons" it will have confirmed a viable "controversy"; it is unlikely that the Court would shorten the usual amount of time to respond.

Given the above, I ask you to finalize the revisions to include "service of summons", as you have failed to present a legal justification for your stated belief that the "court has jurisdiction" without an active case and to simply provide you more time when you can ask the Court directly for additional time if and when summons is issued.

Todd

[Quoted text hidden]

Ira Spiro <ira@spirolawcorp.com>
To: Todd Hill <toddryangregoryhill@gmail.com>

Wed, Sep 13, 2023 at 7:03 PM

You're quite wrong that I have very little time to respond to the second amended complaint. Your email shows that -- you say that when the court issues summons "it is unlikely that the Court would shorten the usual amount of time to respond", in other words you think my time to respond starts when the court issues a summons. But you're forgetting that the issuance of summons isn't enough to require a party to respond -- the summons has to be served in order to require the party to respond. And as you certainly know, after a party is served with summons and amended complaint, the party has 21 days to respond. That's certainly why you asked me to change 30 to 21.

In light of that, I would sign a stipulation that my deadline to respond to the second amended complaint will be 21 after either of these: (a) I am served with the summons on the second amended complaint, in the manner prescribed by the Federal Rules of Civil Procedure, or (b) I sign and return a waiver of service of the summons on the second amended complaint.

I've modified the stipulation again. It's attached. If you sign it and emit it to back to me with your signature on it by Friday, September 15, then I will sign the stipulation too.

If you don't do that, I will file my motion to dismiss your second amended complaint and the action with prejudice, and my motion for sanctions.

Ira Spiro, Attorney at Law

310-235-2350 -- if line busy, please leave a message at 310-287-2007

NO TEXTS -- phones are land lines

Please Correspond by EMAIL ONLY, I do NOT promptly see U.S. Mail, Fed Ex, UPS, etc.

Los Angeles, Cal.

ira@spirolawcorp.com

website: spirolawcorp.com

pronouns: he

IF YOU RECEIVED MY EMAIL IN ERROR, PLEASE REPLY TO LET ME KNOW, PLEASE PERMANENTLY DELETE MY EMAIL, AND PLEASE DO NOT FORWARD IT TO ANYONE. MY EMAIL MAY BE CONFIDENTIAL AND COVERED BY THE ATTORNEY-CLIENT PRIVILEGE.

[Quoted text hidden]

 **STIP re RESPONSE TO SAC - VERSION 3.pdf**
92K

Todd Hill <toddryangregoryhill@gmail.com>
To: Ira Spiro <ira@spirolawcorp.com>

Wed, Sep 13, 2023 at 7:11 PM

My response and request for clarification is below in "red".

On Wed, Sep 13, 2023 at 7:03 PM Ira Spiro <ira@spirolawcorp.com> wrote:

You're quite wrong that I have very little time to respond to the second amended complaint. **I did not say this.**

Your email shows that -- you say that when the court issues summons "it is unlikely that the Court would shorten the usual amount of time to respond", in other words you think my time to respond starts when the court issues a summons. **Your time "starts" when the clerk serves you.**

But you're forgetting that the issuance of summons isn't enough to require a party to respond -- the summons has to be served in order to require the party to respond. And as you certainly know, after a party is served with summons and amended complaint, the party has 21 days to respond. That's certainly why you asked me to change 30 to 21. **Your time "starts" when the clerk serves you; as you already appeared, service is effected by the Clerk. Of note here as well is your duty as a "sworn officer of the Court." Unless you are claiming privilege, I doubt the Court would suffer a motion for extra time given the circumstance. There are also the Plaintiff's rights to consider.**

In light of that, I would sign a stipulation that my deadline to respond to the second amended complaint will be 21 after either of these: (a) I am served with the summons on the second amended complaint, in the manner prescribed by the Federal Rules of Civil Procedure, or (b) I sign and return a waiver of service of the summons on the second amended complaint. **In essence, you are asking for a waiver of your former appearance? Please clarify.....**

I've modified the stipulation again. It's attached. If you sign it and emit it to back to me with your signature on it by Friday, September 15, then I will sign the stipulation too.

If you don't do that, I will file my motion to dismiss your second amended complaint and the action with prejudice, and my motion for sanctions. **Your time "starts" when the clerk serves you; as you already appeared, service is effected by the Clerk. Of note here as well is your duty as a "sworn officer of the Court." Unless you are claiming privilege, I doubt the Court would suffer a motion for extra time given the circumstance. There are also the Plaintiff's rights to consider.**

I look forward to your response.

Todd

[Quoted text hidden]